

Message Text

CONFIDENTIAL

PAGE 01 TEGUCI 03369 01 OF 02 181356Z
ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
HA-05 PPT-01 CA-01 SCS-06 /081 W
-----071380 181413Z /50
R 172129Z JUL 78
FM AMEMBASSY TEGUCIGALPA
TO SECSTATE WASHDC 942
INFO AMEMBASSY MANAGUA

C O N F I D E N T I A L SECTION 1 OF 2 TEGUCIGALPA 3369

EO 11652 GDS
TAGS: PINT, SHUM, CASC, HO, NU (BERTRAND, GARY THOMAS)
SUBJECT: GOH EXPLAINS FATHER BERTRAND DEPORTATION

REF: TEGUCIGALPA 2999

1. SUMMARY: IN REPLY TO OUR REQUEST FOR INFORMATION, EMBASSY ON JULY 13 RECEIVED NOTE FROM MINISTER OF GOVERNMENT DESCRIBING DEPORTATION OF GARY THOMAS BERTRAND AKA FATHER EVARISTO. INFORMAL TRANSLATION FOLLOWS BELOW. NOTE STATES BERTRAND DEPORTED BECAUSE HE WAS ILLEGALLY IN THE COUNTRY AND DESCRIBES JUNE 5-7 PERIOD, BEFORE HE WAS PLACED ON U.S.-BOUND AIRPLANE. INFORMAL CONVERSATIONS WITH SENIOR GOH AND CHURCH OFFICIALS CONFIRM BERTRAND WAS DEPORTED BECAUSE HE WAS CONSIDERED AN ILLEGAL ALIEN. HOWEVER, HAD THIS NOT BEEN THE CASE, THE GOH, WHICH ATTEMPTS A POLICY OF GENUINE NEUTRALITY VIS-A-VIS NICARAGUAN INTERNAL PROBLEMS, WAS CONCERNED OVER HIS ACTIVITIES ALLEGEDLY IN AID OF THE FSLN. EMBASSY CONCLUDES THAT THE GOH ACTED ENTIRELY WITHIN ITS LAWS IN DEPORTING FATHER BERTRAND, AND HAS ALREADY EXPRESSED ITS CONCERN TO APPROPRIATE GOH OFFICIALS REGARDING SOME ALLEGED ASPECTS HIS TREATMENT BEFORE ACTUALLY BEING PLACED ON AIRPLANE, BUT FOR WHICH EMBASSY HAS NO CONFIRMATION.

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PAGE 02 TEGUCI 03369 01 OF 02 181356Z

2. FOLLOWING IS INFORMAL EMBASSY TRANSLATION OF NOTE:

BEGIN TEXT:

MINISTRY OF GOVERNMENT AND JUSTICE
NOTE NO. 2231

JULY 11, 1978
MS. ANNETTE VELER
AMERICAN CONSUL

IN RELATION TO PREVIOUS CORRESPONDENCE, I TRANSMIT THE FOLLOWING
NOTE (FROM THE IMMIGRATION DIRECTOR TO THE MINISTER) WHICH SAYS:

TEGUCIGALPA D.C. JULY 6, 1978.-NOTE NO. D-182-78.-

MR. MINISTER:

IN REPLY TO YOUR NOTE NO. D-313-S DATED JULY 3, 1978, I HAVE
THE HONOR TO INFORM YOU THAT FATHER GARY THOMAS BERTRAND AKA
FATHER EVARISTO WAS SUMMONED TO THE MIGRATION OFFICES IN ORDER
TO ESTABLISH STATUS OF HIS LEGAL RESIDENCE IN THE COUNTRY, AND IT
WAS FOUND THAT HE WAS NOT LEGALLY REGISTERED IN THIS OFFICE,
THEREFORE IT WAS DECIDED TO DEPORT HIM TO EL SALVADOR THROUGH
THE AMATILLO CUSTOM HOUSE, AS IS SHOWN BY THE INTERNATIONAL
EMBARKATION/DISEMBARKATION CARD ISSUED BY THE SALVADORAN
AUTHORITIES, DATED JUNE 6, AND IT TURNS OUT HE WAS NEVERTHELESS
RETURNED TO HONDURAS SIX HOURS LATER AFTER HAVING BEEN ACCEPTED
BY EL SALVADOR. HE WAS THEREFORE DEPORTED AGAIN THE NEXT DAY,
JUNE 7, AT 8:00 A.M., TO NEW ORLEANS, BY AIRPLANE.

ACCORDING TO ARTICLE 44 OF THE POPULATION AND MIGRATION POLICY
LAW, THIS OFFICE IS AUTHORIZED TO NOTIFY AND DEPORT WITHIN 24
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 TEGUCI 03369 01 OF 02 181356Z

HOURS ANY LEGALLY REGISTERED FOREIGNER; THAT WAS NOT THE CASE WITH
FATHER BERTRAND (I.E., HE NOT LEGALLY REGISTERED), BUT NEVER-
THELESS, THE SAME PROCEDURE WAS FOLLOWED. AS STATED BEFORE, FATHER
BERTRAND WAS DEPORTED ON JUNE 7, AT 8:00 A.M. IN A SAHSA AIRPLANE
TO NEW ORLEANS. HE WAS NOT KEPT IN PRISON SINCE HIS DEPORTATION
WAS ONLY DELAYED APPROXIMATELY ONE DAY DUE TO THE FACT THAT THE
SALVADOREAN AUTHORITIES RETURNED HIM TO HONDURAS. ENCLOSED IS A COPY
OF THE INTERNATIONAL EMBARKMENT/DISEMBARKMENT CARD. RESPECTFULLY.
LOYALTY.HONOR.SACRIFICE.MAJOR AND LAWYER MIGUEL FLORES AUCEDA
DIRECTOR GENERAL FOR POPULATION AND MIGRATION POLICY.
RESPECTFULLY YOURS, LT. COL. JUAN ANGEL ARIAS RODRIGUEZ,
MINISTER OF GOVERNMENT AND JUSTICE.

3. COPY OF NOTE BEING POUCHED ARA/CEN/H. INTERNATIONAL BORDER
CARD MENTIONED NOTE WAS NOT INCLUDED AND EMBASSY ATTEMPTING OBTAIN.

4. COMMENT: FATHER BERTRAND WAS DEPORTED TECHNICALLY BECAUSE HIS
LEGAL STATUS WAS NOT CORRECT AND HE CLASSIFIABLE BY HONDURAS AS AN
ILLEGAL ALIEN. THERE WAS NO QUESTION OF HIS BEING DENIED AN
OPPORTUNITY TO PROCESS THE PAPERWORK TO CORRECT HIS STATUS IN
TEGUCIGALPA. FATHER BERTRAND HAD BEEN IN HONDURAS AT LEAST
ONE YEAR ILLEGALLY, AND DURING THAT TIME HAD NOT REGULARIZED HIS

CONFIDENTIAL

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PAGE 01 TEGUCI 03369 02 OF 02 181400Z
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C O N F I D E N T I A L SECTION 2 OF 2 TEGUCIGALPA 3369

STATUS. UNDER HONDURAN LAW, RESIDENCE STATUS MUST BE ASKED FOR BY THE SPONSORING ORGANIZATION AND EMBASSY EXPERIENCE IS THAT IT IS NORMALLY GRANTED WITH LITTLE DIFFICULTY WHEN THE SPONSOR IS THE CHURCH. THE EMBASSY UNDERSTANDS IN FATHER BERTRAND'S CASE THE HONDURAN CHURCH DID NOT ASK SUCH A VISA. THEREFORE HE HAD NO LEGAL BASIS TO APPLY FOR RESIDENCE STATUS IN ANY CASE. THE EMBASSY HAS EXPRESSED ITS CONCERN TO APPROPRIATE GOH OFFICIALS REGARDING SOME ALLEGED ASPECTS OF HIS DEPORTATION, CONDITIONS OF TRANSPORT, ETC. (AS REPORTED BY LOCAL PRESS (REFTEL), BUT NOTES IT WAS INFORMED OF THE DEPORTATION DURING WORKING HOURS ON JUNE 6 AS THAT OF AN ILLEGAL ALIEN AND CAN FIND NO EVIDENCE OF PLANNED MISTREATMENT. RATHER, DEPORTATION APPEARS UNINTENTIONALLY MISHANDLED BY LOW LEVEL OFFICIALS COMPLICATED BY REFUSAL SALVADORAN AUTHORITIES TO ACCEPT HIM.

5. FATHER BERTRAND ENJOYED A REPUTATION OF BEING SYMPATHETIC TO THE FSLN-SANDINISTAS IN NICARAGUA, HAVING BEEN DEPORTED FOR THIS BY THAT COUNTRY. HONDURAS HAS MADE STRENUOUS EFFORTS TO ESTABLISH ITS NEUTRALITY VIS-A-VIS NICARAGUAN INTERNAL PROBLEMS. THERE WAS A CLEAR PERCEPTION HERE THAT FATHER BERTRAND'S ACTIVITIES WERE NOT ACCEPTABLE GIVEN THAT POLICY AND HIS STATUS AS A FOREIGNER. HONDURAN GROUPS WHICH SUPPORT THE FSLN (VOCALLY) HAVE BEEN QUIET ABOUT THE DEPORTATION, RECOGNIZING ITS LEGALITY AND PERHAPS TACITLY THE GOH'S NEUTRALITY POLICY.
CONFIDENTIAL

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PAGE 02 TEGUCI 03369 02 OF 02 181400Z

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6. FOREGOING MAY BE USEFUL IN ANSWERING INQUIRIES. FOR DEPARTMENT'S FURTHER BACKGROUND, SENIOR CHURCH AND GOH OFFICIALS HAVE BOTH EMPHASIZED TO EMBASSY THE FACT THAT FATHER BERTRAND WAS DEPORTED BECAUSE HIS LEGAL STATUS WAS NOT CORRECT BUT ALSO THAT HE WAS ENGAGED IN ACTIVITIES THAT THEY BELIEVED MIGHT COMPROMISE THE GOH'S NEUTRALITY. THERE IS NO EVIDENCE THE NICARAGUAN GOVERNMENT SPECIFICALLY ASKED HIS DEPORTATION AT THIS TIME ALTHOUGH IT MAY HAVE. IN ANY CASE, THE GOH IS VERY MUCH AWARE OF THE GON'S CONCERN OVER FATHER BERTRAND. THE EMBASSY HAS NOT BEEN ABLE TO CONFIRM ONE REPORT THAT THE WORRIED FATHER OF A STUDENT WHO WAS WORKING WITH BERTRAND ORGANIZING CAMPESINO'S WAS ACTIVE IN URGING THE MINISTRY OF GOVERNMENT TO CHECK BERTRAND'S LEGAL STATUS. WHATEVER THE CASE, THE GOH AND THE CHURCH BOTH BELIEVE FATHER BERTRAND WAS NOT ONLY IN CONTACT WITH THE FSLN, BUT WAS ACTIVELY HELPING IT. GIVEN THAT HIS STATUS WAS ILLEGAL AND HE WAS HERE WITHOUT CHURCH SANCTION, THE GOH OPTED TO DEPORT HIM ON THOSE GROUNDS.

7. ACCORDING TO A SENIOR CHURCH OFFICIAL, IT TRIED, ON AT LEAST TWO OCCASIONS, TO TRANSFER FATHER BERTRAND TO AN AREA AWAY FROM THE BORDER AND EMBASSY BELIEVES HAD HE ACCEPTED THIS, THE CHURCH WOULD HAVE BEEN PREPARED TO SEEK A VISA FOR HIM. IN A SENSE, BERTRAND'S DIFFICULTIES WERE WITH THE CHURCH, NOT THE GOH WHICH ON ONE PREVIOUS OCCASION STAYED A DEPORTATION ORDER AT CHURCH REQUEST ON THE CONDITION BERTRAND BE MOVED. THE CHURCH AGREED TO THIS BUT BERTRAND APPARENTLY REFUSED. ALTHOUGH THE CHURCH DID NOT BRING HIM TO HONDURAS, IT WAS APPARENTLY WILLING TO KEEP HIM HERE HAD HE AGREED TO TRANSFER TO ANOTHER PARISH.
CONFIDENTIAL

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PAGE 03 TEGUCI 03369 02 OF 02 181400Z

8. BOTH CHURCH AND GOH OFFICIALS AGREE THE HONDURAN GOVERNMENT, ALTHOUGH ACTING WITHIN ITS RIGHTS, MISHANDLED MATTER AND ATTRIBUTE THIS TO LOW LEVEL TRAINING OF IMMIGRATION AGENTS AND GENERAL SNAFU AT BORDER, AND NOT TO INTENTIONAL DESIRE.

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